

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 03-____
	:	
v.	:	DATE FILED: January 22, 2004
	:	
CHAD FRANK	:	VIOLATIONS:
	:	18 U.S.C. § 371 (Conspiracy – 1 count)
	:	18 U.S.C. § 2251(a) (Production of child
	:	pornography – 5 counts)
	:	18 U.S.C. § 2252(a)(2) (Distribution and
	:	receipt of child pornography – 11 counts)
	:	18 U.S.C. § 2252(a)(4) (Possession of child
	:	pornography – 1 count)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this Indictment:

1. From on or about July 2001 to on or about October 2, 2003, in the Eastern District of Pennsylvania and elsewhere, defendant

CHAD FRANK

conspired and agreed with others, known and unknown to the Grand Jury, including but not limited to, co-conspirator Wayne Verdun George (charged elsewhere), to commit offenses against the United States, that is, to knowingly and intentionally use a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, in violation of Title 18, United States Code, Section 2251(a); and to knowingly receive and distribute material, namely images of minors engaging in sexually explicit conduct, comprising

child pornography that had been mailed, shipped, and transported in interstate commerce, in violation of Title 18, United States Code, Sections 2252(a)(2) and 2256(8)(A).

### MANNER AND MEANS

2. It was part of the conspiracy that the defendant CHAD FRANK used the Internet, electronic mail, Internet Relay Chat, and electronic bulletin boards: (i) to distribute images of child pornography; (ii) to request and receive images of child pornography; (iii) to exchange information about ways of abusing children, including molesting them while they are sleeping and drugging them to avoid them waking up while they are being molested; (iv) to offer to take photographs of children being abused according to the tastes of other pedophiles; (v) to organize gatherings for groups of Boy Lovers<sup>1</sup> where members could meet children and exchange child pornography; and (vi) to encourage, induce and persuade other co-conspirators to sexually abuse young children, and take photographs of such abuse.

### OVERT ACTS

In furtherance of the conspiracy, defendant CHAD FRANK and others known and unknown to the Grand Jury committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

3. On or about April 25, 2002, the defendant CHAD FRANK had an electronic conversation with Wayne Verdun George. In this conversation, FRANK stated that he would be able to produce some child pornography using his relative, if George was interested.

4. On or about April 30, 2002, the defendant CHAD FRANK had an electronic conversation with Wayne Verdun George. In this conversation, FRANK stated that he

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<sup>1</sup>According to the BoyChat website, Boy Lover (“BL”) is “a label chosen by men with a physical, emotional, and psychological attraction to prepubescent boys, who do not believe that loving relationships with boys are damaging, so long as the interests of the boys are respected.”

would be getting a toddler “once a week in summer” and asked George to “tell [him] what [he] want[ed] to see and [the defendant would] work towards it.” George responded that he wanted images of digital anal penetration and genitalia.

5. On or about June 20, 2002, the defendant CHAD FRANK distributed material, namely, two jpg files titled “Mvc-007f.jpg” and “Mvc-008f.jpg” containing two photographs of a sleeping toddler known to the Grand Jury as “L” with his diaper undone to expose his genitals.

6. On or about June 5, 2002, the defendant CHAD FRANK specifically requested that George send him all images of child pornography involving pre-pubescent girls in his possession.

7. In or about March 2002, the defendant CHAD FRANK encouraged and persuaded a co-conspirator known to the Grand Jury to take digital photographs of the genitals of pre-pubescent boys and of the defendant engaging in sexually explicit conduct with pre-pubescent boys. The defendant then received these images and distributed them to a co-conspirator known to the Grand Jury.

8. On or about July 24, 2003, the defendant CHAD FRANK downloaded from the Internet, a videoclip file depicting sexually explicit conduct between an adult female and a pre-pubescent boy, for the purpose of distributing such file.

9. On or about September 28, 2003, the defendant CHAD FRANK downloaded from the Internet, a videoclip file called “Little Girl and Boy 3” showing an adolescent male and a pre-pubescent girl engaged in sexually explicit conduct, for the purpose of distributing such file.

10. On or about September 28, 2003, the defendant CHAD FRANK downloaded from the Internet, a videoclip file titled “Bed Fun 01” containing child pornography, for the purpose of distributing such file.

All in violation of Title 18, United States Code, Section 371.

COUNTS TWO - SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about each of the dates listed below (each date constituting a separate count of this Indictment) in the Eastern District of Pennsylvania and elsewhere, the defendant

CHAD FRANK

knowingly and intentionally used, persuaded, induced, enticed, and coerced minors to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct and used materials that had been mailed, shipped, and transported in interstate and foreign commerce to produce such depictions.

COUNT	DATE	VISUAL DEPICTION(S)
TWO	September 2, 2001	Filed titled "MVC664F.jpg" containing a digital photograph of sexually explicit conduct with a toddler known to the Grand Jury as "L."  File titled "MVC665F.jpg" containing a digital photograph of sexually explicit conduct with a toddler known to the Grand Jury as "L."  Filed titled "MVC666F.jpg" containing a digital photograph of sexually explicit conduct with a toddler known to the Grand Jury as "L."
THREE	March 30, 2002	File titled "MVC-717f.jpg" containing a digital photograph of sexually explicit conduct with a pre-pubescent male known to the Grand Jury as "AF."
FOUR	April 23, 2002	Filed titled "MVC002F.jpg," "MVC003F.jpg," "MVC004F.jpg," "MVC005F.jpg," "MVC006F.jpg," "MVC007F.jpg," "MVC008F.jpg," "MVC009F.jpg," "MVC010F.jpg," "MVC011F.jpg," and "MVC012F.jpg" containing eleven digital photographs of sexually explicit conduct with a toddler known to the Grand Jury as "L."

FIVE	Spring 2002	A VHS videotape depicting (i) sexually explicit conduct with two pre-pubescent males known to the Grand Jury as “JP” and “MP”; and (ii) sexually explicit contact with a pre-pubescent male known to the Grand Jury as “MS.”
SIX	September 2003	An eight millimeter videotape of sexually explicit conduct with a pre-pubescent male known to the Grand Jury as “L.”

All in violation of Title 18, United States Code, Sections 2251(a).

COUNTS SEVEN – SEVENTEEN

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about each of the dates listed below (each date constituting a separate count of this Indictment) in the Eastern District of Pennsylvania and elsewhere, the defendant

CHAD FRANK

knowingly received and distributed images of minors engaging in sexually explicit conduct, comprising child pornography that had been mailed, shipped, and transported in interstate and foreign commerce.

COUNT	DATE	RECEIPT OR DISTRIBUTION OF VISUAL DEPICTION(S)
SEVEN	November 28, 2001	Received a file titled “Jason.zip” containing twenty-five images of pre-pubescent boys engaged in sexually explicit conduct.
EIGHT	December 13, 2001	Received a file titled “GerberLubesUp” containing nineteen images of a pre-pubescent male engaged in sexually explicit conduct.
NINE	March 30, 2002	Distributed a file titled “MVC-717f.jpg” containing a photograph of the genitals of a pre-pubescent boy known to the Grand Jury as “AF.”
TEN	April 30, 2002	Received (i) a file titled “NewSuckM” containing five images of sexually explicit conduct with a sleeping pre-pubescent boy; (ii) a file titled “maximilianx024.jpg” containing a digital photograph of a pre-pubescent boy engaging in sexually explicit conduct, and (iii) a file titled “Pup4.jpg” containing a digital photograph of sexually explicit conduct with a sleeping, pre-pubescent boy.

ELEVEN	May 14, 2002	Received a file titled "bfpic.zip" containing twenty-three photographs depicting sexually explicit conduct with a pre-pubescent boy, and a file titled "morebf.zip" containing four images of sexually explicit conduct with a naked pre-pubescent boy.
TWELVE	May 16, 2002	Received a file titled "Starfish001cuz" containing a digital photograph of sexually explicit conduct with a pre-pubescent male.
THIRTEEN	May 20, 2002	Received (i) a file titled "jonboy.zip" containing eight images of sexual explicit conduct with a pre-pubescent boy; (ii) a file titled "JOSH.zip" containing twenty-five images of sexually explicit conduct with a pre-pubescent boy; (iii) a file titled "jun.zip" containing twenty-nine images of a pre-pubescent boy engaged in sexually explicit conduct; (iv) a file titled "junior.zip" containing two images of pre-pubescent boys engaged in sexually explicit conduct; (v) a file titled "sleepyhead.zip" containing three images of a sleeping, pre-pubescent boy engaged in sexually explicit conduct; (vi) a file titled "sleepyjason.zip" containing sixty-eight images of sexually explicit conduct with a sleeping, pre-pubescent boy; (vii) a file titled "JD_14.jpg" containing an image of a pre-pubescent boy engaged in sexually explicit conduct; and (viii) a file titled "JD_17.jpg" containing an image of a pre-pubescent male engaged in sexually explicit conduct.
FOURTEEN	May 25, 2002	Received a file titled "MMR.zip" containing seven images of a pre-pubescent male engaged in sexually explicit conduct; and a file titled "MMR102.jpg" containing an image of a sleeping pre-pubescent boy engaged in sexually explicit conduct.
FIFTEEN	June 4, 2002	Received five files titled "Dsc00849.jpg," "Dsc00864.jpg," "Dsc00857.jpg," "Dsc00866.jpg," and "Dsc00865.jpg" containing five images of a naked toddler engaging in sexually explicit conduct.
SIXTEEN	June 5, 2002	Received a file titled "NudeGirl102.jpg" containing a digital photograph of a pre-pubescent girl engaged in sexually explicit conduct; and a file titled "extro.zip" containing eight images of two pre-pubescent girls engaged in sexually explicit conduct.



SEVENTEEN	June 20, 2002	Received two files titled "Mvc-007f.jpg" and "Mvc-008f.jpg" containing two photographs of a sleeping toddler known to the Grand Jury as "L" engaging in sexually explicit conduct.
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All in violation of Title 18, United States Code, Sections 2252(a)(2) and 2256(8)(A).

COUNT EIGHTEEN

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about October 2, 2003, in the Eastern District of Pennsylvania, the defendant

CHAD FRANK

knowingly possessed the following films, video tapes, and other material which contained visual depictions of conduct involving the use of minors engaging in sexually explicit conduct, and that had been transported in interstate and foreign commerce, and which were produced using materials which had been transported in interstate and foreign commerce.

a. A file titled "aaroncn6.jpg" downloaded from the Internet containing a composite photograph of the head of a pre-pubescent celebrity known to the Grand Jury and the nude body of a pre-pubescent male with an erection.

b. A file titled "Bath\_005.jpg" downloaded from the Internet containing a photograph of a nude, pre-pubescent boy.

c. A file titled "Andrew 21" downloaded from the Internet containing a photograph of pre-pubescent boy's penis.

d. A file titled "Andrew 43" downloaded from the Internet containing a photograph of a pre-pubescent boy engaging in sexually explicit conduct.

e. A file titled "Atrail" containing a photograph of two pre-pubescent boys engaging in sexually explicit conduct.

f. Three files called "ac-trib05.jpg," "ac-trib09.jpg," and "ac-trib05.jpg" containing three composite photographs of the head of a pre-pubescent celebrity known to the Grand Jury and the body of a nude, pre-pubescent boy.

- g. A file titled “Mar17-30.jpg” downloaded from the Internet containing a photograph of two pre-pubescent males engaging in sexually explicit conduct.
- h. Three files titled “\_VC-543F.JPG,” “\_VC-544F.JPG,” and “\_VC-545F.JPG” containing three photographs of a sixteen-year old female known to the Grand Jury as “TK” engaged in sexually explicit conduct. These photographs were produced using materials that had traveled in interstate and foreign commerce.
- i. Three files titled “MVC664F,” “MVC665F,” and “MVC666F” containing digital photographs of sexually explicit conduct with a toddler known to the Grand Jury as “L”. These photographs were produced using materials that had traveled in interstate commerce.
- j. A videoclip file downloaded from the Internet depicting sexually explicit conduct with a pre-pubescent boy.
- k. A videoclip file called “Little Girl and Boy 3” downloaded from the Internet showing an adolescent male and a pre-pubescent girl engaged in sexually explicit conduct.
- l. A videoclip file titled “Bed Fun 01” downloaded from the Internet containing child pornography.
- m. An eight millimeter videotape depicting sexually explicit conduct with a pre-pubescent boy known to the Grand Jury as “L.” This videotape was produced using materials that had traveled in interstate and foreign commerce.
- n. A VHS videotape depicting sexually explicit conduct with three pre-pubescent boys known to the Grand Jury as “MS,” “JP,” and “MP.” This videotape was produced using materials which had traveled in interstate commerce and foreign commerce.

All in violation of Title 18, United States Code, Sections 2252(a)(4) and 2256(8)(A) and 2256(8)(C).

## NOTICE OF FORFEITURE

1. As a result of the violations of Title 18, United States Code, Sections 2251(a) and 2252(a)(2) and (4), set forth above, the defendant

CHAD FRANK

shall forfeit to the United States of America the following:

- a. Any visual depiction described in §§ 2251 or 2252, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of 18 U.S.C. §§ 2251 and 2252;
- b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such an offense; and
- c. Any property, real or personal, used or intended to be used to commit or to promote the commission of such offense, including but not limited to:
  - Compaq Central Processing Unit Serial No. 3H9ACTEZIV
  - Sony digital camera
  - JVC Camcorder
  - 1 VHS videotape
  - 1 eight millimeter videotape

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- cannot be located upon the exercise of due diligence;
- has been transferred or sold to, or deposited with, a third party;
- has been placed beyond the jurisdiction of the court;
- has been substantially diminished in value; or

- has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 2253(o), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 2253.

A TRUE BILL:

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GRAND JURY FOREPERSON

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PATRICK L. MEEHAN  
United States Attorney